

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 MICHAEL W. CLARK; and DENISE) Case No.: 1:22-cv00014-JLT-SAB
12 CLARK,)
13 Plaintiffs,)
14 vs.)
15 THOR MOTOR COACH, INC.; FORD)
16 MOTOR COMPANY; BARRY'S RV)
17 OUTLET; and U.S. BANK, N.A.,)
Defendants.)
ORDER ON JOINT MOTION OF
ALL PARTIES TO TRANSFER
VENUE TO FEDERAL COURT
FOR THE NORTHERN DISTRICT
OF INDIANA IN SOUTH BEND,
INDIANA
Complaint Filed: 12/30/21
Trial Date: Not Yet Set

19 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

20 The parties' Joint Motion to Transfer Venue to the United States District
21 Court for the Northern District of Indiana pursuant to 28 U.S.C. § 1404(a) was
22 electronically filed on April 18, 2022.

23 Upon review of the record and all briefing filed by all parties, the Court rules as
24 follows:

25 IT IS HEREBY ORDERED THAT:

26 1. Based on the provisions in the express warranty issued by Defendant Thor
27 Motor Coach, Inc. that accompanied the sale of the subject vehicle to Plaintiffs, which
28 provides that “[e]xclusive jurisdiction for deciding legal disputes relating to alleged

1 breach of express warranty and implied warranties that arise by operation of law as
2 well as those relating to representations of any nature must be filed in a state or
3 federal court within the state of manufacture, which is Indiana,” this lawsuit should be
4 transferred to the United States Federal Court for the Northern District of Indiana in South
5 Bend, Indiana;

6 2. Pursuant to the Stipulation between the parties, and in consideration of
7 Plaintiffs’ claims under the California Song-Beverly Consumer Warranty Act
8 (California *Civil Code* § 1790, *et seq.*), the parties stipulate and agree that Plaintiffs
9 may pursue all such claims before the Court in Indiana; and

10 3. The Clerk of Court is directed to transfer this matter, pursuant to 28
11 U.S.C. § 1404(a), to the United States Federal Court for the Northern District of
12 Indiana in South Bend, Indiana.

13 4. All pending deadlines are vacated in anticipation that they will be reset,
14 as appropriate, in the transferee court.

15 IT IS SO ORDERED.

16 Dated: April 21, 2022


UNITED STATES DISTRICT JUDGE

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